

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Janette English and Jermaine English,

Court File No.: 04-5038 JNE/AJB

Plaintiffs,

vs.

**ORDER**

Minneapolis Police Officer Billy Peterson  
# 5561, individually, personally and  
officially as a Minneapolis Police Officer

Defendant.

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Albert T. Goins, Goins & Wood, for Plaintiffs  
C. Lynne Fundingsland, Assistant Minneapolis City Attorney, for Defendant

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Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated February 21, 2006, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Sanctions and Costs is **granted in part and denied in part** [Docket No. 17] as provided herein. The complaint in this matter is **dismissed** without prejudice;
2. Janette English and Jermaine English shall be allowed to re-serve and re-file their complaint only upon full payment of Peterson's costs as set forth below; and
3. Peterson's motion for costs is granted. Defendant is awarded costs in the amount of three hundred seventy-five dollars to be paid by Janette English and Jermaine English.

DATED: March 10, 2006

s/ Joan N. Ericksen  
Joan N. Ericksen  
United States District Court Judge